

Frank L. Tobin (Bar No. 166344)
flt@procopio.com
PROCOPIO, CORY, HARGREAVES &
SAVITCH LLP
530 B Street, Suite 2100
San Diego, California 92101
Telephone: 619.238.1900
Facsimile: 619.235.0398

Attorney for Defendant,
PENTA WATER COMPANY, INC., a California
corporation

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

PLAINFIELD DIRECT INC., a Delaware
corporation, and CUNEO CAPITAL PARTNERS I
LLC, a Connecticut limited liability company,

Plaintiffs,

v.

PENTA WATER COMPANY, INC., a California
corporation,

Defendant.

Case No.: 08-CV-1350-LAB (NLS)

AMENDED PROOF OF SERVICE

Judge: Hon. Larry A. Burns

Complaint Filed: July 25, 2008

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is PROCOPIO, CORY, HARGREAVES & SAVITCH LLP, 530 "B" Street, Suite 2100, San Diego, California 92101.

On August 15, 2008, I served the within documents:

**ANSWER OF PENTA WATER COMPANY, INC. TO COMPLAINT FOR
BREACH OF CONTRACT, OPEN BOOK ACCOUNT, ACCOUNT STATED,
AND MONEY LENT OR PAID**

☐ by transmitting via facsimile number (619) 235-0398 the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m. A copy of the transmission confirmation report is attached hereto.

☒ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at San Diego, California addressed as set forth below. I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on the same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing an affidavit.

AMENDED PROOF OF SERVICE
08-CV-1350-LAB (NLS)

1 ☐ by placing the document(s) listed above in a sealed overnight envelope and depositing it
 2 for overnight delivery at San Diego, California, addressed as set forth below. I am
 3 readily familiar with the practice of this firm for collection and processing of
 4 correspondence for processing by overnight mail. Pursuant to this practice,
 5 correspondence would be deposited in the overnight box located at 530 "B" Street, San
 6 Diego, California 92101 in the ordinary course of business on the date of this declaration.

7 ☐ by causing personal delivery via Knox Attorney Service, Inc., c/o their affiliate, of the
 8 documents listed above to the person at the address set forth below.

9 ☐ by the Court's Electronic Filing System pursuant to U.S. District Court, Southern
 10 District, Local Civil Rule 5.4(c)

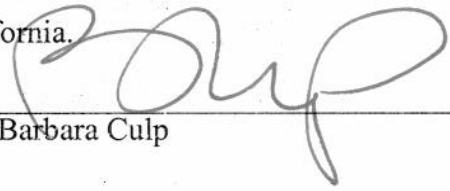
11 Marc T.G. Dworsky
 12 Katherine K. Huang
 13 Kristina L. Wilson
 14 Munger, Tolles & Olson LLP
 15 355 South Grand Avenue, 35th Floor
 16 Los Angeles, CA 90071-1560
 17 (213) 683-9100/Fax: (213) 687-3702
 18 Marc.Dworsky@mto.com
 19 Katherine.Huang@mto.com
 20 Kristina.Wilson@mto.com

Attorneys for Plaintiffs PLAINFIELD
 DIRECT INC., and CUNEO CAPITAL
 PARTNERS I LLC

21 ☐ (State) I declare under penalty of perjury under the laws of the State of California that
 22 the above is true and correct.

23 ☒ (Federal) I declare that I am employed in the office of a member of the bar of this court
 24 at whose direction the service was made.

25 Executed on August 15, 2008, at San Diego, California.

26 
 27 Barbara Culp
 28